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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,616	10/09/2001	David Frederick Martinez		6260

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EXAMINER

MYERS, PAUL W

ART UNIT	PAPER NUMBER
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2612

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DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/973,616

Applicant(s)

MARTINEZ, DAVID FREDERICK

Examiner

Paul W Myers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 09 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The drawings are objected to because figures 1a, 9 and 10 are not clear. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2003/0011684 to Narayanaswami et al in view of U.S. 2003/0063208 to Kazami.

a. In regard to claims 1 and 11, Narayanaswami in paragraph [0032] details that his camera is capable of capturing an image or video. Narayanaswami further details that his invention can be used in portable computers or PDA devices (i.e. handheld computer). Narayanaswami in paragraph [0039] details that his invention has a touch panel for annotation of image data. Narayanaswami in paragraph [0038] details that his invention has an RF network for communicating with a remote computer.

Narayanaswami fails to explicitly state the use of a sketchpad connected to a handheld computer.

However, Kazami in paragraph [0076] details that that his camera has a touch tablet that is capable of drawing lines.

Therefor it would have been obvious to anyone of ordinary skill in the art at the time of the invention to combined Narayanaswami's camera capable of annotation of image information with Kazami's touch tablet in order to enable the user to specifically point out and annotate image data.

4. Claim 2-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2003/0011684 to Narayanaswami et al in view of U.S. 2003/0063208 to Kazami in view of U.S. 2002/0198755 to Birkner et al.

b. In regard to claim 2, Narayanswami and Kazami detail a hand held camera system capable of taking images and annotating images and communicating with a remote computer. For further details refer to examiner's notes for claim 1.

Narayanswami and Kazami fail to explicitly state a hand held computer that collects work in progress data.

However, Birkner in paragraph [0189] details that his database has a daily work progress table (i.e. is capable of collecting daily work progress data.

Therefore, it would have been obvious to anyone of ordinary skill in the art at the time of the invention to combined Narayanswami, and Kazami with Birkner to created a database with a portable terminal.

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c. In regard to claim 3, Birkner in paragraph [0189] details that his database is capable of collecting contract number (i.e. contract identification), item number and location. Birkner in paragraph [0189] details that the database can collect the inspector's name (i.e. inspectors identification). Birkner in paragraph [0225] details that the database is capable of text annotations (i.e. one or more descriptions of activities).

d. In regard to claims 4-9, Birkner in paragraph [0189] details that his database is capable of collecting labor related information, work type (i.e. labor type), manpower (i.e. quantity), hours, equipment information, equipment quantity, hours in use, stand-bye hours, submittal information, weather conditions, submitter's name (i.e. inspector's name). Birkner in paragraph [0225] details that the database is capable of text annotations (i.e. comments) Birkner in paragraph [0241] details that the database can collect equipment type.

e. In regard to claim 10, Birkner in paragraph [0037] details that his database can be connected to a server.

f. In regard to claims 11 and 12, Birkner in paragraph [0066] details that his invention can be connected to a wireless modem.

g. In regard to claim 13, Birkner details that his invention can be connected to a hot sync cradle

h. In regard to claim 14, Narayanswami and Kazami detail a hand held camera system capable of taking images and annotating images and communicating with a remote computer. For further details refer to examiner's notes for claim 1. Birkner in paragraph [0017] and figure 1 details that his invention is a construction project management system. Birkner in paragraph [0030] details that his invention deals with the construction phase (i.e. is capable of collecting construction data). Birkner further details that his invention is capable of tracking budgetary information using a planning system. Birkner in paragraph [0044] details that his invention is capable of producing reports from a field engineer (i.e. able to perform site-engineering assessment using a design system. Birkner in paragraph [0008] details that his database can track material consumption. Birkner in paragraph [0189] details that his database has a daily work progress table (i.e. track progress for each project).

i. In regard to claim 15, refer to examiner's notes for claim 2.

j. In regard to claims 16-19, refer to examiner's notes for claims 3-9.

k. In regard to claim 20, refer to examiner's notes for claims 11 and 12.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- l. U.S. Patent No. 6,336,073 to Ihara et al for an information terminal that can search the internet.
- m. U.S. Patent No. 5,926,116 to Kitano et al for digital camera with a modem
- n. U.S. Patent No. 6,456,729 to Moore for a field inspection system with a camera and a network.
- o. U.S. Patent No. 6,621,524 to Iijima et al for a camera with a touch screen for drawing.
- p. U.S. 2002/0093583 to Ito for a digital camera with a cradle.
- q. U.S. 2002/0056114 to Fillebrown et al for a wireless network.
- r. U.S. 2002/0087546 to Slater et al for a touch-tablet, database, server and camera.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul W Myers whose telephone number is (703) 305 4039. The examiner can normally be reached on Mon-Fri 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305 4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306 0377.

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